



D. KENT MICHIE  
Insurance Commissioner  
Utah Insurance Department

JON M. HUNTSMAN, JR.  
Governor

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Assistant Commissioner  
Office of the Commissioner

## Bail Bond Oversight Board Meeting

### Meeting Information

Date: March 15, 2006

Time: Noon

Place: Room 4112

State Office Building

### Board Members

(Attendees = x)

xDominic Sanone, Chairman

xWayne Carlos, Vice-Chairman

xRick T. Westmoreland

Ralph Cragun

xMichael Weddington

Mickey Braun

Bert Christenson

Andrew D. Bilanzich

### Insurance Department Staff

xPerri Babalis

Darrel Powell

xTara Buehner

xCathy Howick

xGabriel Vega

xTracy Klausmeier

xJilene Whitby

Sandy Glaze

### Public

xDarren R. Brady

xLeo C. Brady

## MINUTES

### *Welcome*

Dominic began the meeting at 12:10 p.m. He noted that Rick was participating by phone. He asked Gabriel Vega, a new department market conduct examiner, to introduce himself and the rest of the group introduced themselves to him. Gabriel retired from Regence Blue Cross Blue Shield, became an independent agent for two and a half years before coming to work for the department.

### *Executive Session (Closed to the Public)*

- **Complaint Report** / Tara Buehner

Tara reported that there were no new complaints. The question arose as to what the violation was in #11. Tara reported that it was failure to provide disclosure on a credit card transaction and it was being referred to market conduct for investigation.

Perri asked what happened to complaint #13. The complaint report showed that it had been referred to market conduct for investigation but it did not show up on that report.

Cathy said it was between reports. Cathy will email the board with further information.

- **Unpaid Forfeiture Report** / Tara Buehner

Bail Out Fast paid \$1,500, which came in yesterday. No action has been taken yet.

- **Investigation Report** / Tara Buehner

It has been determined that All American Bail Bonds' advertisement was put in the yellow pages in November 2005, before they were approved in February of this year. The investigation is not completed.

- **New Application** / Tara Buehner

- **Real Bail Bonds**

Dominic said he had not heard of the insurance company backing them. A copy of their Certificate of Insurance was included in the handout information. Mike and Dominic were each approached by individuals expressing concern that "Real" was too close to "Rebel." Wayne suggested the board recommend guidelines for agency

names. Perri said we already had a rule to this effect. Rick asked, "What other agency regulates names. That is what the Department of Commerce is for. We are an oversight committee." Perri noted that Rule R590-154, Unfair Marketing Practices, under Subsection (5)(A) it said:

- A. An insurance producer, limited lines producer or consultant agency licensed under the laws of this state shall not use any name that is:
  - (1) misleading or deceptive;
  - (2) likely to be mistaken for another licensee already in business; or
  - (3) imply association or connection with any other organization where actual bona fide association or connection does not exist.

Dominic asked if anyone had a problem with the applicant's name? No one responded.

- At 12:35 p.m. Rick **moved** to close the Executive Session and move to the General Session. Mike seconded the motion and the vote was unanimous in its favor.

### ***General Session (Open to the Public)***

- **Adoption of Minutes of Previous Meeting**

Rick made the **motion** to adopt the minutes. Wayne seconded the motion and the vote was unanimous in its favor.
- **Approval of Recommended Actions from Executive Session**

Rick made the **motion** to approve the application of Real Bail Bonds. Dominic seconded the motion and the vote was unanimous in its favor.
- **New Business**
  - **Legislation, HB403, Bailbond Amendment**

Perri noted that this bill passed. Dominic said he went to the committee meetings and worked for a consensus with the prosecutors and court administrators. The changes were minor. The bill redefined some terms to make it easier to process forfeitures. Darren Brady asked what happened in the case of a plea and abeyance? Rick thought courts would want to get off the hook. If a sentencing bond is posted it is considered a new bond.
  - Cathy said the department had received an inquiry regarding a **business practice**. If someone other than a licensed bail bondsman delivers a bond to a jail should that person be licensed? It was noted that every jail and sometimes each shifts can each have a different policy regarding this. Mike said that as long as the person delivering the bond does nothing more than deliver it, a license should not be needed. If getting or giving information and relaying it on, then there may be a problem. Dominic would like to see uniformity in the way bonds are delivered. Wayne thought the question should be, "Are jails being fair, using the same procedures with everyone?"
  - **Department Changes:** As of last week Darrel was made the director of the new Market Conduct Division.
  - Wayne asked if the department **personnel card** could be updated? Jilene will have it for the next meeting.
- **Old Business**
  - Dominic asked Tracy how many sureties had sent in their **new bond forms**? Tracy said about 10. They are due May 1<sup>st</sup>. She will check with Mickey about sending a reminder in April. Wayne asked if the department received many "Wrong Address" notices after their mailings? Tara said quite a few came back recently after requesting financial information. The department fines licensees for not notifying the them within 30 days of a move.

- **Perri** asked that the next agenda include a review by her of changes in the open meetings act. The change is effective May 1<sup>st</sup>.

### ***Adjourn***

Rick **moved** to adjourn the meeting at 12:55 p.m. Wayne seconded the motion.

### ***Next Meeting***

April 19, 2006, Room 4112, State Office Building

#### **Future Meetings**

<del>Jan. 18, Rm 7</del>	May 17, Rm 4112	Sep. 20, Rm 4112
<del>Feb. 15, Rm 7</del>	Jun. 21, Rm 4112	Oct. 18, Rm 4112
<del>Mar. 15, Rm 4112</del>	Jul. 19, Rm 4112	Nov. 15, Rm 4112
Apr. 19, Rm 4112	Aug. 16, Rm 4112	Dec. 20, Rm 4112